

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANIBAL ESTEBAN JAVIER PEREZ,

ECF CASE

Plaintiff,

07 CIV 4063 (CLB)

-against-

TOWN OF BEDFORD, TOWN/VILLAGE
OF MT. KISCO, and GEORGE BUBARIS,
individually,

Defendants.
-----X

DECLARATION IN SUPPORT OF
MOTION TO DISMISS AND/OR FOR A STAY

LEWIS R. SILVERMAN, an attorney duly admitted to practice law in the United States District Court for the Southern District of New York, hereby affirms under the penalties of perjury, the following:

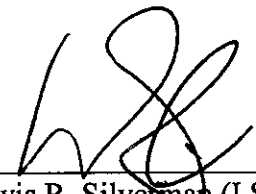
- 1 I am a member of the law firm of RUTHERFORD & CHRISTIE, LLP, attorneys for the defendant, George Bubaris. I am fully familiar with the facts and circumstances of this matter based upon my review of the file maintained by my office in defense of this matter.
2. This declaration is submitted in support of the defendant's Motion to Dismiss, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, seeking a dismissal of the plaintiff's Complaint in its entirety with prejudice, and/or for an

Order staying this matter pending the conclusion of the criminal matter commenced against Mr. Bubaris, and for such other and further relief as this Court deems just and proper.

3. The plaintiff commenced this lawsuit by filing a Complaint dated May 24, 2007. Attached as Exhibit "A" is a copy of the plaintiff's Complaint.
4. The defendant answered the Complaint and filed the Answer on July 26, 2007. Attached as Exhibit "B" is a copy of Mr. Bubaris's Answer.
5. During the July 20, 2007 Initial Conference, upon an oral application, the Court stayed the deposition of Mr. Bubaris pending resolution of the then-pending criminal investigation.
6. On September 6, 2007, a four count indictment was unsealed in Westchester County Court charging Mr. Bubaris with various crimes.
7. As more fully explained in the accompanying Memorandum of the Law, plaintiff's Complaint should be dismissed under Rule 12(c) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted against the defendants.

6. In the alternative, the defendant respectfully requests a stay of this matter, pending the resolution of the criminal matter.

Dated: New York, New York
September 11, 2007



Lewis R. Silverman (LS 9723)

TO: LOVETT & GOULD, LLP
Attorneys for Plaintiff
222 Bloomingdale Road
White Plains, New York 10605
(914) 428-8401
Attention: Jonathan Lovett, Esq.

MIRANDA, SOKOLOFF, SAMBURSKY,
SLONE & VERVENIOTIS LLP
Attorney for Co-Defendant-Town of Bedford
240 Mineola Boulevard
The Esposito Building
Mineola, New York 11501
(516) 741-7676
Attention: Steven C. Stern, Esq.

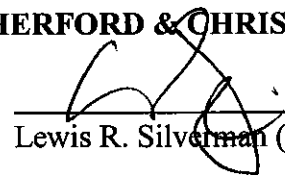
SANTANGELO RANDAZZO & MANGNONE LLP
Attorney for Co-Defendant Town/Village of Mount Kisco
151 Broadway
Hawthorne, New York 10532
(914) 741-2929
Attention: James A. Randazzo, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 11, 2007, a copy of the within
DECLARATION IN SUPPORT OF MOTION TO DISMISS AND/OR FOR A STAY was
furnished via Regular Mail to LOVETT & GOULD, LLP, 222 Bloomingdale Road, White
Plains, New York 10605, Attention: Jonathan Lovett, Esq., MIRANDA, SOKOLOFF,
SAMBURSKY, SLONE & VERVENIOTIS LLP, 240 Mineola Boulevard, The Esposito
Building, Mineola, New York 11501, Attention: Steven C. Stern, Esq. and SANTANGELO
RANDAZZO & MANGNONE LLP, 151 Broadway, Hawthorne, New York 10532, Attention:
James A. Randazzo, Esq.

RUTHERFORD & CHRISTIE, LLP

By: _____


Lewis R. Silverman (LS 9723)